

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

BIS ADVANCED SOFTWARE SYSTEMS,  
LTD.,

Plaintiff,

v.

RED BEND SOFTWARE, INC.,  
RED BEND, LTD.,  
TIME WARNER INC.,  
ICQ, INC.  
INSTALLSHIELD SOFTWARE CORP.,  
and  
SCANSOFT, INC.

Defendants.

Civil Action No. 04cv11960 (RWZ)

**LOCAL RULE 16.1(D)(3) CERTIFICATION**

Defendants Red Bend Software, Inc. and Red Bend, Ltd. (collectively, "Red Bend") and counsel for Red Bend hereby certify that they have conferred: (a) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation; and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Signature: \_\_\_\_\_

Print Name: YORAM SALINGER  
RED BEND SOFTWARE, INC..  
RED BEND, LTD.

Anastasia Fernands (guy)

Ethan Horwitz (*pro hac vice* pending)  
Georgia Yanchar (*pro hac vice* pending)  
GOODWIN PROCTER LLP  
599 Lexington Avenue  
New York, NY 10022  
(212) 813-8800

Anastasia M. Fernands (BBO# 633131)  
GOODWIN PROCTER LLP  
Exchange Place  
Boston, MA 02109

(617) 570-1000

ATTORNEYS FOR RED BEND